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Paper No. 11

Dr. Steven Ericsson Zenith
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Sunnyvale CA 94086

Technology Center 2100

In re Application of: Dr. Steven Ericsson Zenith)
Application No.: 09/504,327) **DECISION ON PETITION TO**
Filed: February 14, 2000) **WITHDRAW THE HOLDING OF**
For: **INTERACTIVE MULTI MEDIA USER**) **ABANDONMENT**
INTEFACE USING AFFINITY BASED)
CATEGORIZATION)

This is in reply to Petitioner's communication, filed in the United States Patent and Trademark Office on August 25, 2003. This communication will be treated as a petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 for the purpose of this decision. No fee is required.

A review of the file record reveals that:

1. The Examiner, on September 10, 2002, issued an Office letter;
2. Petitioner timely submitted an amendment on March 04, 2003;
3. The Examiner, on April 18, 2003, issued a Notice of Non-Compliant Amendment which stated that Petitioner's amendment dated March 04, 2003 was non-compliant, but appeared to be *bona fide*; therefore, Petitioner was given a time period of one month or thirty days, whichever is longer, to supply the required correction. In addition, extensions of time under 136 (a) was possible;
4. On May 15, 2003, Petitioner timely submitted a response to the Notice of Non-Compliant Amendment. This response was not entered because of its non-compliance;
5. The Examiner, on June 27, 2003, issued a Notice of Abandonment; and
6. Petitioner, on August 25, 2003, timely petitioned to Withdraw the Holding of Abandonment under 37 CFR 1.181, and simultaneously submitted a response to the Office letter dated September 10, 2002.

Although Petitioner's response dated May 15, 2003 was again found non-compliant and was not entered, it was timely responded to the Notice of Non-Compliant Amendment. Therefore, the Notice of Abandonment dated June 27, 2003 was premature.

For the reasons stated above, the Petition is **GRANTED**.

It is noted that Petitioner is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Petitioner is advised to secure the services of a

registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Petitioner is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Petitioner is given a TIME PERIOD of ONE MONTH from the mailing of the Examiner's NOTICE TO APPLICANT (form PTOL 327-- Paper No. 12) and papers attached thereto, within which to submit a supplemental paper correcting the informal portions and complying with the rule, as required by the Examiner. The application will become abandoned unless Petitioner timely responds to such NOTICE TO APPLICANT (form PTOL 327-- Paper No. 12) and papers. **NO** EXTENSION OF THIS TIME PERIOD may be granted under 37 CFR 1.136(a).



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